HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1181 (M/S) 2006

Gurmeet Singh S/o Sri Basant Singh,
Resident of 172/173, Tej Nagar Sultan Hind,
Amritsar, Punjab. -- Petitioner.

Versus

1. Civil Judge (Sr. Div.), Dehradun, Uttaranchal.
2. R.P. Dutta S/o Sri M.P. Dutta,
   Resident of 61, Basant Vihar Phase-2,
   Dehradun. --Respondents.

Sri Deep Chandra Joshi, learned counsel for the petitioner,
Sri Paresh Tripathi, learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Deep Chandra Joshi, learned counsel for the petitioner and Sri Harendra Belwal, learned Standing Counsel for the State.

This writ petition has been filed for seeking following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to decide the Original Suit No. 564/2001 between R.P. Dutta vs. Gurmeet Singh within the time framed by this Hon'ble Court, positively within a period of three months,
ii. Any other order or direction which this Hon'ble Court may deem just and proper in circumstances of the case,
iii. Award cost of the petition to the petitioner.

The facts, as narrated in the writ petition, are that the plaintiff/respondent no. 2 filed a civil suit on 27.07.2001 before the Civil Judge (Sr. Div.), Dehradun for mandatory injunction with the prayer to restrain the defendants/petitioner not to evict the plaintiff/respondent no.2 from the property in dispute situated at village Jhajhra, Tehsil Vikas Nagar, district Dehradun. The said suit was registered and numbered as Original Suit no. 564 of 2001 R.P. Dutta vs. Gurmeet Singh. On

27.07.2001, the trial Court after hearing learned counsel for both the parties granted interim relief in favour of the plaintiff/respondent no. 2 against the defendant/petitioner.

The defendant/petitioner has filed his written statements long back in the month of April 2002, however till date the said suit has not been decided and the interim order is still enforced against the petitioner. A number of dates have been fixed before the trial Court, but the case cannot be taken up on account of that the plaintiff/ respondent no. 2 is seeking frequent adjournments and the interim order granted in favour of the plaintiff is still continuing against the defendant.

During the course of arguments counsel for the petitioner confined his prayer that the Civil Judge (Sr. Div.), Dehradun may be directed to decide the O.S. No. 564/2001 R.P. Dutta vs. Gurmeet Singh within the period prescribed by the Court.

Having heard learned counsel for the parties and perusing of the record I am of the opinion that the prayer for early disposal of the case is innocuous. Consequently I direct the Civil Judge (Sr. Div.), Dehradun to decide the aforesaid Original Suit no. 564/2001 R.P. Dutta vs. Gurmeet, as expeditiously as possible.

The Interim Relief Application no. 11100/2006 stands disposed of.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 30, 2006:
NCM: